

## ANALYSIS REPORT

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director  
Metropolitan Council Office

DATE: **August 6, 2002**

RE: **Analysis Report**

Balances As Of:	<u>7/31/02</u>	<u>8/2/01</u>
<u>GSD 4% RESERVE FUND</u>	\$16,273,920	\$14,472,648
 <u>CONTINGENCY ACCOUNTS</u>		
GSD	\$50,000	\$50,000
USD	\$50,000	\$50,000
 <u>GENERAL FUND</u>		
GSD	Unavailable	Unavailable
USD	Unavailable	Unavailable
 <u>GENERAL PURPOSE</u> <u>SCHOOL FUND</u>		
	Unavailable	Unavailable
 <u>SOLID WASTE</u> <u>DISPOSAL FUND</u>		
Solid Waste Activities	Unavailable	Unavailable

## **- BILL ON PUBLIC HEARING -**

**ORDINANCE NO. BL2002-1123** (SHULMAN & DERRYBERRY) - This ordinance, as amended, accepts a law enforcement block grant in the amount of \$2,049,244 from the U.S. department of justice to the Metropolitan Government for the benefit of the police department, the district attorney's office, the sheriff's office, the public schools, justice information systems, drug court, juvenile court, and the public defender's office. The participating departments will pay a total local match of \$227,694. The police department will oversee and manage the grant.

A breakdown of the amounts designated to the various departments and their respective matches are as follows:

District Attorney's Office:	\$237,277.80 with a local match of \$26,142.00
Public Defender's Office:	\$37,749.53 with a local match of \$ 4,194.40
Juvenile Court:	\$72,281.14 with a local match of \$ 8,031.25
Drug Court:	\$347,375.34 with a local match of \$38,597.30
Justice Information System:	\$117,275.37 with a local match of \$13,030.61
Sheriff's Department:	\$295,231.92 with a local match of \$32,803.58
Police Department:	\$677,269.20 with a local match of \$75,252.21
Public Schools:	\$266,783.70 with a local match of \$29,642.66

## **- RESOLUTIONS -**

**RESOLUTION NO. RS2002-1099** (TURNER) – This resolution approves property located at 3332 Sidco Drive to be used as a waste transfer station for the benefit of Gray's Disposal. Gray's Disposal has filed a request for a special exception with the Metro board of zoning appeals to use this property as a waste transfer station. The zoning text of the Metro code of laws requires that the Metro council approve the location by adoption of a resolution before the board of zoning appeals can act on the request.

If the council does not adopt or defeat this resolution within sixty (60) days, it shall be deemed approved by the council.

**RESOLUTION NO. RS2002-1103** (BEEHAN & CAMPBELL) – This resolution appropriates \$100,000 of capital mall urban development action grant repayment funds to assist with the renovation and modernization of a grocery store at Shelby Avenue and South 6<sup>th</sup> Street. Urban development action grants (UDAG) are made available by the federal government to be loaned to private persons in an urban renewal project. The repayment of these loan funds go to the city and are not returned to the federal government. Metro must use these repayment funds for development activities in pockets of poverty. The renovation of this grocery store will serve the residents of several public housing developments and surrounding areas.

**RESOLUTION NO. RS2002-1104** (SHULMAN & WILLIAMS) - This resolution approves a contract between the Metropolitan Government and the Vanderbilt child and family policy center for development of the council afterschool initiative. The council afterschool initiative, created by Ordinance No. BL2002-974, will consist of members of council, parents, and representatives

from youth programs and community organizations. The purpose of the initiative is to work with the Madeline Initiative and Vanderbilt to develop a plan to increase out-of-school time programming and resources for Nashville's youth. Ordinance No. BL2002-974 authorized the approval of a contract, by resolution, for support services for this initiative. The payment for these services is to be funded out of the reserve for council neighborhood aftercare account provided in the budget for the 2001-2002 fiscal year.

Pursuant to the terms of the contract, Metro will pay the Vanderbilt child and family policy center \$128,000 for services necessary to develop the initiative, including conducting an inventory of current afterschool programs, and the printing of 75,000 copies of a directory of afterschool opportunities. The term of the contract will extend through December 31, 2002.

This resolution is of the same subject matter as that of Resolution No. RS2002-1054, which was vetoed by the mayor because of a technical error. The vetoed resolution incorrectly contained a signature line for the mayor. Since Ordinance No. BL2002-974 expressly designated the Vanderbilt child and family policy center as the contracting party, they are considered a sole-source provider. Thus, the resolution only needs to be signed by the purchasing agent on behalf of the Metropolitan Government and does not require the mayor's signature. The funding for this initiative was reappropriated in the current fiscal year's operating budget adopted by the council in June of 2002.

**RESOLUTION NO. RS2002-1105** (MCCLENDON, SHULMAN & BRILEY) – This resolution authorizes the Metropolitan Government to enter into a contract with CSX Transportation, Inc., to install a wireline across a CSX railroad crossing located at Valuation Station for the operation of traffic signals on Nolensville Road and Thompson Lane. Metro has previously entered into agreements with the state to receive federal funds for traffic signal upgrades. Pursuant to this agreement, Metro will be responsible for all costs associated with the installation of the wireline and for all costs CSX incurs as a result of the installation and maintenance. Metro is required to pay a one-time license fee in the amount of \$3,800 and maintain at least \$3 million in self-insured liability insurance.

In addition, Metro agrees to indemnify and hold CSX harmless from any liability as a result of injury or property damage in connection with the installation and maintenance of the wireline, except when caused solely by the willful misconduct or gross negligence of CSX.

This resolution has been referred to the planning commission and should be deferred to allow the planning commission time to make a recommendation.

**RESOLUTION NO. RS2002-1106** (SHULMAN) – This resolution approves an amendment to a grant contract between the U.S. department of health and human services and the Metro office of (continued on next page)

**RESOLUTION NO. RS2002-1106** (continued)

emergency management. The grant contract is for an amount of \$400,000 and is to be used to develop plans for responding to health and medical consequences resulting from terrorist incidents involving weapons of mass destruction. This amendment to the grant contract extends the term of the grant to September 30, 2002, revises the reporting requirements to reflect the September 30, 2002 date, and changes the deliverable dates to September 30, 2002 for implementing the Metropolitan medical response system program.

**RESOLUTION NO. RS2002-1107** (SHULMAN) – This resolution approves an annual grant in the amount of \$75,000 from the state department of health to the Metro board of health to provide primary dental services to the homeless at the Downtown Clinic. This grant is for a term of one year beginning July 1, 2002, and extending through June 30, 2003. The grant funds will cover the partial salary for an attending dentist from Meharry School of Dentistry to supervise dental care providers and to treat some patients, as well as to employ an office staff assistant. It is estimated that services will be provided to approximately 1,200 patients.

**RESOLUTION NO. RS2002-1108** (SHULMAN) – This resolution approves an amendment to a grant from the U.S. department of health and human services to the Metro health department to provide health care for the homeless. The amendment extends the term of the grant through October 31, 2002 and increases the amount of the grant by \$30,000 in carryover funds for a total grant amount of \$647,173.

**RESOLUTION NO. RS2002-1109** (SHULMAN) – This resolution approves an amendment to a grant agreement between the state department of transportation and the Metro police department in the amount of \$1,221,274 for the Governor's Highway Safety Program. This resolution clarifies that the term of the grant can be extended for a total contract term of no more than three years, and changes the rate of travel reimbursement from \$1.96 per hour to \$0.32 per mile to correctly reflect the state reimbursement rates.

There is a housekeeping amendment that corrects a typographical error in the resolution so that it reads "\$1.96 per hour" instead of "\$1.96 per mile".

**RESOLUTION NO. RS2002-1110** (SHULMAN & TUCKER) – This resolution approves a grant in the amount of \$109,497 from the state department of labor and workforce development to the Nashville career advancement center to provide space and administrative services for a career center facility in workforce investment area 9. The grant is for a term beginning July 1, 2002, and ending June 30, 2003, with a possible four year extension.

**RESOLUTION NOS. RS2002-1111 & RS2002-1112** (SHULMAN & TUCKER) – These two resolutions approve grants from the state department of labor and workforce development to the

Nashville career advancement center to provide employment and training services to youth, adults and dislocated workers. Both grants are federal pass through funding and are for a term beginning July 1, 2002, and ending June 30, 2004, with a possible two year extension.

**Resolution No. RS2002-1111** provides funds in the amount of \$298,719.01.

**Resolution No. RS2002-1112** provides funds in the amount of \$280,152.55.

**RESOLUTION NO. RS2002-1113** (SHULMAN & TUCKER) – This resolution approves an amendment to a grant in the amount of \$147,874.01 from the state department of labor and workforce development to the Nashville career advancement center to prepare and train youth for re-entry into the labor force. This amendment increases the amount of the grant by \$64,319, for a total grant award of \$212,193.

**RESOLUTION NO. RS2002-1114** (SHULMAN) – This resolution authorizes the mayor to submit an application for a federal crime laboratory improvement program grant for the Metropolitan police department. The police department is seeking funding to purchase and upgrade laboratory equipment for the technical investigations section. The total project cost is estimated at \$226,434.46. Pursuant to the grant application, Metro is requesting \$159,572.40 in federal funds, with a Metro in-kind match of \$66,862.06. The match amount will be used to fund personnel costs, while the federal portion will be used for supplies and other costs. The matching funds will be provided out of the police department's operating budget.

**RESOLUTION NO. RS2002-1115** (HAUSSER) – This resolution authorizes Binlin Qin to install a 16 foot by 5.25 foot awning over the public sidewalk area in front of the Taste of Tokyo restaurant, located at 1806 - 21<sup>st</sup> Avenue south in Hillsboro Village. The awning will project 4.5 feet over and 8 feet above the sidewalk. Binlin Qin, owner of the Taste of Tokyo, will be required to maintain a \$300,000 certificate of liability insurance naming the Metropolitan Government as additional insured.

This resolution has been approved by the planning commission.

**RESOLUTION NO. RS2002-1116** (SHULMAN) – This resolution adds two names to the existing master list of architectural and engineering firms of the Metropolitan Government. The Metro code of laws requires that all contracts for professional services of architects and engineers must be with firms listed on the master list. This resolution adds the names of Ben Crenshaw and Kenneth W. Climer to the master list. The council adopted a similar resolution at the July 16, 2002 council meeting related to modifications of the architect/engineer master list.

**RESOLUTION NO. RS2002-1117** (SHULMAN) - This resolution authorizes the department of law to compromise and settle the dispute between the Metropolitan Government and HCA, Inc., regarding the payment in lieu of taxes (PILOT) on the old Nashville Memorial Hospital property for the tax year 2000, by accepting a payment of \$7,154.10 from HCA. This dispute stems from

the question as to the valuation of the Nashville Memorial Hospital property after the hospital operation was transferred to Skyline Medical Center, an HCA hospital, on September 23, 2000.

In 1995, pursuant to Resolution No. R95-1484, the Metro health and educational facilities board entered into a PILOT agreement with HCA whereby the board purchased the Memorial Hospital property and leased it back to HCA, making it exempt from taxation. In 1997, a subsequent resolution was adopted permitting the new Skyline Medical Center to replace Nashville Memorial under the PILOT agreement. Under the amended agreement, HCA was to make PILOT payments from the date the certificate of occupancy was issued for the new Skyline Medical Center through 2005. The certificate of occupancy was issued on September 23, 2000, but the value for the property was assessed on January 1 of 2000. The Nashville Memorial property was assessed at \$51 million as of January 1, 2000, because it was still being used as a hospital. However, when the property was transferred to Skyline in September of 2000, it was not being used as a hospital and consequently at that time only had a value of \$8 million. Both parties agree on the \$8 million figure as being the value of the property as of September 23, 2000.

Pursuant to state law, the tax assessor is required to use the assessed value as of January 1, and there is no legal authority for the tax assessor to reduce the value to the September 23<sup>rd</sup> figure. Thus, the department of law believes it is equitable for Metro to lower the amount of the PILOT payment for the last three months of 2000 and accept \$7,154.10 as a payment based on the \$8 million value. Any litigation regarding this matter could be very costly and time-consuming, thus it is believed to be in the best interest of the Metropolitan Government to settle this matter. HCA has paid the appropriate PILOT payment on the new Skyline Medical Center.

**RESOLUTION NO. RS2002-1118** (SHULMAN) – This resolution authorizes the Metropolitan Government to accept \$8,757 in compromise and settlement of Metro's claim against Laura Maitlyn. On November 18, 2001, a traffic accident caused damage to a Metro-owned 1999 Dodge van driven by a sheriff's department employee. Ms. Laura Maitlyn's (owner of the vehicle) son ran through a red flashing stop signal at the intersection of Charlotte Pike and 4<sup>th</sup> Avenue North and struck the right side of the van. The settlement amount includes the \$7,794.69 in damage to the van, \$235.68 in lost wages, and \$726.58 in medical bills for our employee.

## **- BILLS ON SECOND READING -**

**ORDINANCE NO. BL2002-1075** (DERRYBERRY, WATERS & SONTANY) - This ordinance, as amended, provides for the regulation of the use and operation of horse-drawn carriages within the Metro area by requiring carriage owners and operators to obtain licenses through the Metropolitan transportation licensing commission, much in the same manner as taxicab companies and drivers are currently licensed. Pursuant to this ordinance, all owners of horse-drawn carriages will be required to obtain an annual certificate to operate such a business. The application, along with a \$100 permit fee, is to be submitted for approval by the

commission. The application will contain business and personal information about the owner including a list of drivers, number of carriages, the number of horses along with four separate color photographs of each horse (with a shot of the front, both sides, and rear of the horse), documentation from a veterinarian as to the horse's physical condition, \$1 million in liability insurance per carriage, and an applicant's criminal history. If the commission deems an application to meet all of the requirements, a permit is issued for each carriage. After a permit has been issued, it may be suspended or revoked if the commission finds a violation of the regulations or a criminal conviction. There is an appeal process for applicants who are denied. Carriage companies must also file a list of their basic rates of fare with the commission.

Also mandated by this ordinance is a requirement for a driver's permit to operate a horse-drawn carriage. The requirements for a driver's permit are very similar to those of taxicab drivers. The application must include proof that a driver is at least 21 years old, experience in the industry, educational and criminal background, a federal department of transportation drug and alcohol test, and a valid Tennessee special chauffeur's driver's license. Once a driver's permit is issued, the driver must display the permit prominently on his/her clothing or in the carriage. A permit may be revoked for a criminal conviction. A driver may not pay another business to solicit passengers. Drivers must also take adequate measures to keep a horse from dropping excrement from its "diaper", must obey all traffic laws, and must keep the speed of the horses to a trot, among various other restrictions.

This ordinance also requires that horses be examined every six months and provides restrictions on horse and carriage equipment, as well as limits on the number of passengers a horse can pull. The ordinance further provides numerous restrictions regarding the care and condition of horses used in the carriage business. The operation hours for horse-drawn carriages will be 6:00 p.m. to 6:00 a.m. Monday through Friday, and during any hours on weekends and holidays. The carriages will be limited to specific routes developed in consultation with the traffic and parking commission.

**ORDINANCE NO. BL2002-1127** (WALLACE & TUCKER) – This ordinance prohibits cruising in certain areas of downtown Nashville. A “no cruising area”, as to be determined by the traffic and parking commission, will include streets within the boundaries of Charlotte Avenue on the north, Franklin Street on the south, 8<sup>th</sup> Avenue on the west and the Cumberland River on the east. Pursuant to this ordinance, cruising is defined as unnecessary repetitive driving past a designated traffic control point two or more times within a given three-hour period. Cruising will be prohibited in these areas between the hours of 9:00 p.m. and 3:00 a.m. Police officers will have the authority to

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**ORDINANCE NO. BL2002-1127** (continued)

monitor vehicles going past the traffic control points and to stop a vehicle after it drives past the control point two or more times to give notice that the cruising ordinance is in effect. If the vehicle is seen driving past the control point again after this notice has been given, the officer may issue a traffic citation to the operator of the vehicle. This cruising ordinance is not applicable to emergency vehicles, public transportation vehicles, a vehicle being used for business purposes, during special events, and to residents living within the “no cruising area”.

This ordinance should be deferred one meeting to allow the traffic and parking commission time to consider this ordinance and make a recommendation.

**ORDINANCE NO. BL2002-1128** (MAJORS) – This ordinance amends the Metropolitan Code of Laws section related to abandoned vehicles by including the vehicle’s contents within the definition of “abandoned motor vehicles” and providing for the disposition of those contents. The language in the current code of laws section does not address the contents left in an abandoned vehicle, and this change is necessary to clarify that the contents of the vehicle can be disposed of in the same manner as the vehicle itself.

**ORDINANCE NO. BL2002-1129** (SHULMAN, BRILEY & DERRYBERRY) – This ordinance approves a grant to the police department in the amount of \$3,546.84 from the U.S. department of justice for the purchase of bulletproof vests. Metro is required to provide a matching sum in the amount of \$3,546.84. Amendments to this grant may be approved by resolution of the Metropolitan council receiving 21 affirmative votes.

**ORDINANCE NO. BL2002-1130** (WILLIAMS) – This ordinance readopts the code of the Metropolitan Government to include all ordinances enacted on or before May 24, 2002.

**ORDINANCE NO. BL2002-1131** (WHITMORE & JENKINS) – This ordinance authorizes the director of the board of parks and recreation to enter into a lease agreement with the state of Tennessee for property located at the Ellington agriculture center to be used as a public park. The two tracts of property to be leased consist of approximately 15 acres located on the northeast corner of the Ellington agriculture center property along Edmondson Pike. The lease is for a term of 25 years expiring in 2027 and requires no rent to be paid on the part of the Metropolitan Government. If Metro ceases to use this property for public recreation, the lease is automatically terminated and the property reverts back to the state. The lease may be terminated by either party upon 90 days written notice. Amendments the lease agreement may be approved by resolution of the Metropolitan Council receiving 21 affirmative votes.

This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2002-1132** (MCCLENDON & TUCKER) – This ordinance authorizes the director of finance to convey Metro’s interest in two parcels of property by quitclaim deed to the Nashville & Eastern Railroad Authority in connection with the Gateway Boulevard project. Metro will convey the first parcel, consisting of approximately 220 square feet, subject to Metro’s retention of a two-year temporary construction easement and a permanent easement for use of the air space. Pursuant to this agreement, Metro will also convey a permanent easement in



a second parcel of property, consisting of approximately 1,375 square feet, for use by the railroad in its business activities.

The council office would point out that there are several errors in the quitclaim deed attached to this ordinance related to the matching of the legal property description with the property description in the referenced exhibits and the identification of the exhibits in the quitclaim deed. Further, it is the opinion of the council office that the Charter authorizes the director of public property administration to administer the duties of property acquisition and disposition on behalf of the Metropolitan Government, not the director of finance.

This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2002-1133** (LORING, MCCLENDON & OTHERS) – This ordinance authorizes the director of public property administration to acquire 22 utility easements by negotiation or condemnation for the purpose constructing and maintaining water mains in connection with the Briley Parkway widening from Elm Hill Pike to Windmere Drive. The estimated cost for the easements is \$11,000, and will be paid from the water and sewer extension and replacement fund. Further amendments to this ordinance may be adopted by resolution of the Metropolitan Council.

This ordinance has been approved by the planning commission.

### **- BILLS ON THIRD READING -**

**SUBSTITUTE ORDINANCE NO. BL2002-1066** (BRILEY) - This substitute ordinance approves the transfer of a cable television franchise held by Comcast Cable Communications, Inc. (Comcast) to AT&T Comcast Corporation (AT&T Comcast). The franchise is technically held by Broadband Nashville I, LLC, which is a wholly-owned subsidiary of Comcast. Comcast has agreed to merge with AT&T Broadband Corp. and create a new company known as AT&T Comcast Corporation. The present franchise was granted in 2001 and the Metro cable ordinance requires consent of the Metropolitan Government prior to a change of control affecting the franchise. The new corporation will be bound by all of the existing terms and conditions of the current franchise agreement. Only the ownership of the franchise will change. AT&T Comcast is to file a franchise acceptance agreement whereby it agrees to be bound by all of the terms and conditions set forth in the franchise agreement and this ordinance. Comcast has paid the \$5,000 processing fee to the Metropolitan Government required by the cable ordinance, and agrees to pay any excess out-of-pocket expenses Metro incurs in reviewing the transfer application and preparing the ordinance. Pursuant to our cable franchise ordinance, Metro reserves the right to approve the transfer of such franchises so that we can be assured that the operators are competent to maintain a cable television franchise in a city the size of Nashville.

This substitute ordinance has been recommend by the special CATV committee.

Federal law, as referenced in our cable franchise ordinance, requires that Metro have 120 days to act on a request for approval of a cable franchise transfer, unless an extension of time is mutually agreed upon. This time period has already been extended. Federal law further provides that if Metro fails to act within the time period, then the transfer will be deemed approved. Thus, if the council does not act on this act on this substitute ordinance on third and final reading at the August 6, 2002 meeting, then the time period will expire before the ordinance and the transfer will be approved by default.

After extensive review and consideration, this substitute ordinance was recommended which incorporates an Acknowledgement and Assurance by Comcast Cable Communications Inc. that makes several warranties. The principal warranty of interest to the Council is one that assures there will be no increase in subscriber rates due to the merger. Further, the letter of credit posted to assure compliance with the franchise agreement, including PEG payments and other matters, is increased from \$100,000 to \$600,000.

**ORDINANCE NO. BL2002-1080** (ALEXANDER) - This ordinance authorizes Overhill Partners, G.P., to construct a 6' x 16' sign for Brighton Valley Apartments in the public right-of-way where Brooksboro Terrace connects with Murfreesboro Pike. The new sign will replace an existing Hermitage "A" Apartments sign. Overhill Partners will maintain \$300,000 in liability insurance and will indemnify and hold Metro harmless for any claims. All work and material will be furnished by Overhill and is subject to approval by the director of public works. Overhill Partners will remove the sign at their own expense if this ordinance is ever repealed.

This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2002-1115** (WHITMORE & TUCKER) – This ordinance, as amended, approves the development of 19 units of low-rent scattered site housing in the vicinity of the Preston Taylor Hope VI redevelopment project. Resolution No. R92-288 approved a cooperation agreement with MDHA in support of up to 200 new dwelling units. MDHA is planning this development in accordance with the U.S. department of housing and urban development (HUD) replacement housing program. The proposed development will be located on MDHA owned sites on Michigan Avenue, 40<sup>th</sup> Avenue North, Georgia Avenue and Indiana Avenue. State law requires that a public hearing be held prior to council's approval of the development project. This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2002-1116** (WALLACE) - This ordinance, as amended, amends the Metropolitan Code of Laws to prohibit the feeding of any fowl, except water fowl, in public streets, alleys and sidewalks within the urban services district.

**ORDINANCE NO. BL2002-1117** (WILLIAMS & SHULMAN) - This ordinance approves a grant in the amount of \$1,055.63 from the department of state, division of elections, to the Davidson County election commission for the purchase of a personal computer and software to upgrade the automated electoral system. The personal computer will be used to access the state's central voter registration database.

**ORDINANCE NO. BL2002-1118** (STANLEY, PONDER & OTHERS) - This ordinance authorizes the director of parks and recreation to enter into an agreement for the granting of a perpetual easement from Kohl's Department Stores, Inc. for use in the Stones River greenway system. This parcel of property, located next to the Kohl's parking lot on Lebanon Road, adjoins an existing greenway conservation easement. Metro will construct and maintain a pathway for

pedestrian or bicycle travel, nature trail, and/or a natural area to be located on the easement. This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2002-1119** (HAUSSER & MCCLENDON) - This ordinance accepts two permanent 20 foot easements and two 10 foot temporary construction easements from Belmont University for construction and maintenance of sanitary sewers and drainage improvements on property located on Ashwood Avenue. This ordinance further provides that the Metropolitan Government will abandon these easements in the event that Belmont University purchases abutting property at 1500 Ashwood Avenue. This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2002-1120** (WALLACE, MCCLENDON & OTHERS) - This ordinance authorizes the State of Tennessee to install and maintain a sign marquee above the sidewalk within the right-of-way on Deaderick Street and Sixth Avenue North and an elevator tower on the sidewalk along Deaderick Street at the Tennessee performing arts center. The plans for the sign and elevator tower are on file with the director of public works. The state will pay all costs associated with construction and maintenance of the marquee and tower. This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2002-1121** (BOGEN) - This ordinance, as amended, authorizes the Metropolitan Government to enter into an agreement with CPS Land, LLC (CPS) and CSX Transportation, Inc. for construction of a new bridge across the CSX railroad tracks in support of the Riverwalk Community in Bellevue. This will be a concrete two-lane bridge with sidewalks on both sides. Pursuant to the agreement, CPS agrees to construct the bridge and all right-of-way improvements at its own expense and to reimburse CSX for any costs it incurs as a result of the bridge project, such as for preliminary engineering. CPS and its contractor will be required to maintain liability insurance to comply with CSX's and Metro's requirements.

Once the bridge is completed and is deemed to be in compliance with the plans and specifications, the director of public works shall recommend that the bridge be accepted by the Metropolitan Government, subject to approval of the council by resolution. In such resolution, the bridge will be accepted by the Metropolitan Government if the council deems it to be in the public's interest, that it is in compliance with the plans and specifications, and that adequate funds have been appropriated for the maintenance of the bridge pursuant to Section 13.10.020 of the Metropolitan Code of Laws. The council office would point out that part of this provision is contrary to the Metropolitan Government's requirements for the acceptance of private roads. Section 13.10.010 states that "privately owned roads may be accepted by ordinance", as opposed to by resolution, therefore, the ordinance has been amended to require that any such acceptance shall be by ordinance adopted by the Council.

Under this agreement, if the bridge is accepted by the Metropolitan Government, Metro will be responsible for all repair and maintenance of the bridge subject to CPS's one-year warranty. This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2002-1122** (MCCLENDON) - This ordinance, as amended, amends the Metropolitan code of laws to allow the chief medical director to order persons or businesses storing tires to eliminate the collection of water in the tires or take other adequate measures to prevent the breeding of insects, namely mosquitoes, rodents or other pests. The code currently provides a similar requirement regarding the collection of stagnant water on real property.

**ORDINANCE NO. BL2002-1124** (MCCLENDON) - This ordinance abandons the sewer line and easement encumbering the property of Mr. Roy Flowers on East Cedar Street. The sewer line is to be relocated and is no longer needed by the department of water and sewerage services. This abandonment has been approved by the planning commission.

**ORDINANCE NO. BL2002-1125** (MCCLENDON) - This ordinance abandons the sewer line and easement on four parcels located on Douglas Avenue owned by Nashville Auto Diesel College. These four parcels are going to be consolidated into one tract and the department of water and sewerage will no longer need the easement. This abandonment has been approved by the planning commission.